

107TH CONGRESS
2D SESSION

H. R. 4635

To amend title 49, United States Code, to establish a program for Federal flight deck officers, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 1, 2002

Mr. YOUNG of Alaska (for himself and Mr. MICA) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

A BILL

To amend title 49, United States Code, to establish a program for Federal flight deck officers, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Arming Pilots Against
5 Terrorism Act”.

6 **SEC. 2. FEDERAL FLIGHT DECK OFFICER PROGRAM.**

7 (a) IN GENERAL.—Subchapter I of chapter 449 of
8 title 49, United States Code, is amended by adding at the
9 end the following:

1 **“§ 44921. Federal flight deck officer program**

2 “(a) ESTABLISHMENT.—Not later than 90 days after
3 the date of enactment of this Act, the Under Secretary
4 of Transportation for Security shall establish a program
5 to deputize qualified volunteer pilots of passenger aircraft
6 as Federal law enforcement officers to defend the flight
7 decks of aircraft of air carriers engaged in air transpor-
8 tation or intrastate air transportation against acts of
9 criminal violence or air piracy. Such officers shall be
10 known as ‘Federal flight deck officers’. The program shall
11 be administered in connection with the Federal air mar-
12 shal program.

13 “(b) QUALIFIED PILOT.—Under the program, a
14 qualified pilot is a pilot of an aircraft engaged in air trans-
15 portation or intrastate air transportation who—

16 “(1) is employed by an air carrier;

17 “(2) has demonstrated to the satisfaction of the
18 Under Secretary fitness to be a Federal flight deck
19 officer under the program; and

20 “(3) has been the subject of an employment in-
21 vestigation (including a criminal history record
22 check) under section 44936(a)(1).

23 “(c) TRAINING, SUPERVISION, AND EQUIPMENT.—
24 The Under Secretary shall provide training, supervision,
25 and equipment necessary for a qualified pilot to be a Fed-

1 eral flight deck officer under this section at no expense
2 to the pilot or the air carrier employing the pilot.

3 “(d) DEPUTIZATION.—

4 “(1) IN GENERAL.—The Under Secretary shall
5 deputize, as a Federal flight deck officer under this
6 section, any qualified pilot who submits to the Under
7 Secretary a request to be such an officer.

8 “(2) INITIAL DEPUTIZATION.—Not later than
9 120 days after the date of enactment this section,
10 the Under Secretary shall deputize not fewer than
11 500 qualified pilots who are former military or law
12 enforcement personnel as Federal flight deck officers
13 under this section.

14 “(3) FULL IMPLEMENTATION.—Not later than
15 24 months after the date of enactment of this sec-
16 tion, the Under Secretary shall deputize any quali-
17 fied pilot as a Federal flight deck officer under this
18 section.

19 “(e) COMPENSATION.—Pilots participating in the
20 program under this section shall not be eligible for com-
21 pensation from the Federal Government for services pro-
22 vided as a Federal flight deck officer.

23 “(f) AUTHORITY TO CARRY FIREARMS.—The Under
24 Secretary shall authorize a Federal flight deck officer

1 under this section to carry a firearm while engaged in pro-
2 viding air transportation or intrastate air transportation.

3 “(g) AUTHORITY TO USE FORCE.—Notwithstanding
4 section 44903(d), a Federal flight deck officer may use
5 force (including lethal force) against an individual in the
6 defense of an aircraft in air transportation or intrastate
7 air transportation if the officer reasonably believes that
8 the security of the aircraft is at risk.

9 “(h) LIMITATION ON LIABILITY.—

10 “(1) LIABILITY OF AIR CARRIERS.—An air car-
11 rier shall not be liable for damages in any action
12 brought in a Federal or State court arising out of
13 the air carrier employing a pilot of aircraft who is
14 a Federal flight deck officer under this section or
15 out of the acts or omissions of the pilot in defending
16 an aircraft of the air carrier against acts of criminal
17 violence or air piracy.

18 “(2) LIABILITY OF FEDERAL FLIGHT DECK OF-
19 FICERS.—A Federal flight deck officer shall not be
20 liable for damages in any action brought in a Fed-
21 eral or State court arising out of the acts or omis-
22 sions of the officer in defending an aircraft against
23 acts of criminal violence or air piracy unless the offi-
24 cer is guilty of gross negligence or willful mis-
25 conduct.

1 “(i) REGULATIONS.—Not later than 90 days after the
2 date of enactment of this Act, the Under Secretary, in con-
3 sultation with the Firearms Training Unit of the Federal
4 Bureau of Investigation, shall issue regulations to carry
5 out this section.

6 “(j) PILOT DEFINED.—The term ‘pilot’ means an in-
7 dividual responsible for the operation of aircraft.”.

8 (b) CONFORMING AMENDMENTS.—

9 (1) CHAPTER ANALYSIS.—The analysis for such
10 chapter is amended by inserting after the item relat-
11 ing to section 44920 the following:

“44921. Federal flight deck officer program.”.

12 (2) EMPLOYMENT INVESTIGATIONS.—Section
13 44936(a)(1)(B) is amended—

14 (A) by aligning clause (iii) with clause (ii);

15 (B) by striking “and” at the end of clause
16 (iii);

17 (C) by striking the period at the end of
18 clause (iv) and inserting “; and”; and

19 (D) by adding at the end the following:

20 “(v) qualified pilots who are deputized as Fed-
21 eral flight deck officers under section 44921.”.

22 (3) FLIGHT DECK SECURITY.—Section 128 of
23 the Aviation and Transportation Security Act (Pub-
24 lic Law 107–71) is repealed.